

By: Marquez, N. Gonzalez of El Paso

H.B. No. 685

Substitute the following for H.B. No. 685:

By: Hunter

C.S.H.B. No. 685

A BILL TO BE ENTITLED

AN ACT

relating to commissioners court oversight of certain emergency services districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 775, Health and Safety Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. DISTRICTS IN CERTAIN COUNTIES

Sec. 775.301. DEFINITION. In this subchapter, "commissioners court" means the commissioners court of a county that borders the United Mexican States, has a population of more than 800,000, and appoints a board of emergency services commissioners under this chapter.

Sec. 775.302. APPLICABILITY. (a) This subchapter applies only to a district that is located wholly in a county that borders the United Mexican States, that has a population of more than 800,000, and for which the commissioners court appoints a board of emergency services commissioners under Section 775.034.

(b) This subchapter controls over a provision of this chapter or other law to the extent of a conflict.

Sec. 775.303. DELEGATION OR WAIVER BY COMMISSIONERS COURT.

(a) The commissioners court may adopt a resolution to:

(1) delegate to the board of a district a duty assigned to the commissioners court under this subchapter that relates to that district; or

1 (2) waive a requirement in this subchapter that the
2 commissioners court approve an action of a district.

3 (b) A resolution adopted under this section may apply to
4 more than one board or district.

5 (c) The commissioners court may by resolution terminate the
6 delegation of a duty or the waiver of an approval requirement.

7 Sec. 775.304. POWERS RELATING TO DISTRICT PROPERTY,
8 FACILITIES, AND EQUIPMENT. (a) The commissioners court may
9 establish policies and procedures the board must comply with when:

10 (1) constructing, purchasing, acquiring, contracting
11 for, leasing, adding to, maintaining, operating, developing,
12 regulating, selling, exchanging, or conveying real or personal
13 property, a property right, equipment, goods, services, a facility,
14 or a system to maintain a building or other facility or to provide a
15 service to or required by the district; or

16 (2) providing services through and using public funds
17 for a volunteer fire department or emergency service provider.

18 (b) The policies and procedures:

19 (1) may include requiring the board to submit to the
20 commissioners court periodic reports on the district's compliance
21 with the policies and procedures;

22 (2) must establish the types of transactions,
23 including maximum dollar amounts, the board may make when
24 conducting an activity described by Subsection (a) without the
25 approval of the commissioners court, if any;

26 (3) must designate by name, title, or position a
27 person in the county as the primary point of contact between the

1 commissioners court and the board; and

2 (4) may not be established until the commissioners
3 court consults with the board.

4 (c) This section does not authorize the commissioners court
5 or the board to use real or personal property, a property right,
6 equipment, a facility, or a system to provide a telecommunications
7 service, advanced communications service, or information service
8 as defined by 47 U.S.C. Section 153, or a video service as defined
9 by Section 66.002, Utilities Code.

10 Sec. 775.305. BUDGET. (a) The commissioners court shall
11 establish a schedule for a district to prepare an annual budget, tax
12 rate calculations and notices, and a recommended tax rate and to
13 submit the budget, calculations, notices, and recommendation to the
14 commissioners court for final approval.

15 (b) The schedule must take into account requirements of this
16 chapter, Chapter 26, Tax Code, and Section 21, Article VIII, Texas
17 Constitution, applicable to adopting a district tax rate and
18 provide the commissioners court a reasonable amount of time to
19 review the submissions required under Subsection (a).

20 (c) The board shall:

21 (1) prepare an annual budget and submit the budget to
22 the commissioners court for final approval according to the
23 schedule established under this section; and

24 (2) submit to the commissioners court and the county
25 auditor tax rate calculations and notices and a recommended tax
26 rate according to the schedule established under this section.

27 (d) If the commissioners court does not approve or deny a

1 budget submitted to the commissioners court under this section
2 before the 31st day after the date the budget is submitted, the
3 commissioners court is considered to have approved the budget.

4 (e) If the commissioners court does not approve or deny a
5 tax rate recommended to the commissioners court under this section
6 before the 31st day after the date the recommended tax rate is
7 submitted, the commissioners court is considered to have approved
8 the recommended tax rate and the recommended tax rate is the rate
9 for the year in which the rate is recommended.

10 Sec. 775.306. BUSINESS PARTICIPATION. The board shall
11 encourage and promote participation by all sectors of the business
12 community, including small businesses and businesses owned by
13 members of a minority group or by women, in the process by which the
14 district enters into contracts. The board shall develop a plan for
15 the district to identify and remove barriers that do not have a
16 definite or objective relationship to quality or competence and
17 that unfairly discriminate against small businesses and businesses
18 owned by members of a minority group or by women. These barriers
19 may include contracting procedures and contract specifications or
20 conditions.

21 SECTION 2. (a) Except as provided by Subsection (b) of this
22 section, this Act takes effect September 1, 2013.

23 (b) Section 775.305, Health and Safety Code, as added by
24 this Act, takes effect January 1, 2014.